

Congress of the United States

House of Representatives

Washington, DC 20515

July 14, 2006

The Honorable Michael O. Leavitt
Secretary
Department of Health and Human Services
Hubert H. Humphrey Building, Room 615F
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Leavitt:

We are writing to express our concern regarding the interim final rule your agency recently announced for the Temporary Assistance for Needy Families (TANF) Program. This new regulation threatens to stymie innovative policies developed by the States to move welfare recipients toward self-sufficiency. Current statutory authority requires you to ensure a consistent measurement of work participation rates under the TANF program, but it does not require highly restrictive definitions that substantially curtail States' ability to count activities that have been permissible for nearly a decade. We therefore strongly urge you to revise the regulation in several areas.

The new TANF regulation significantly reduces the ability of States to count toward the program's participation requirements activities that remove barriers to employment. For example, the rule bars States in most circumstances from counting as a primary activity substance abuse treatment and mental health counseling for more than four consecutive weeks or for more than six weeks in a year. It appears domestic violence counseling is, at best, subject to the same severe restriction. Additionally, new limitations apply to counting vocational rehabilitation for TANF recipients with disabilities. These restrictions on helping welfare recipients overcome obvious obstacles to employment are both an unwise infringement on State flexibility and contrary to the goal of moving welfare recipients into real, wage-paying jobs.

The TANF rule proposed by your agency also significantly curtails the ability of States to provide education and training opportunities to welfare recipients. Despite overwhelming evidence highlighting the benefits of post-secondary education to employment and income, the regulation explicitly forbids States from counting such activities toward their TANF participation requirements when they lead to a baccalaureate. The regulation also significantly diminishes the ability of States to count English as a second language (ESL) instruction for TANF recipients who have language barriers. And finally, the rule places new burdens on both States and welfare recipients related to providing time for classroom preparation and home work. The regulation would force States to create supervised study halls for any such activity to count, creating

a new expense for the States and a new burden for mothers balancing caring for their children and preparing for work. Additionally, this provision increases the need for child care, further exacerbating the difficulty States will have meeting the child care challenges associated with the higher work participation requirements in the Deficit Reduction Act.

Beyond the issue of limiting allowable activities under the TANF program, we are concerned by a provision in the regulation that requires States to count towards their participation requirements adults who are not receiving assistance but whose children are receiving aid. This provision is directed toward States that sanction the parent's portion of the TANF check for non-compliance with program requirements or terminate an adult's assistance when a time limit is reached, but continue to provide some assistance to the child. If a State was to deny assistance to the entire family (rather than only the parent), it would not be required to count these parents in its work rates under the regulation. Therefore, this policy seems designed to encourage States to adopt harsher sanction and time limit policies that specifically target children.

We strongly urge you to consider modifications to the interim final TANF regulation to address these problems. In general, we recommend providing greater discretion to States and local communities to develop activities designed to move welfare recipients into work and ultimately out of poverty. Additionally, States and counties need a reasonable time frame to implement any changes in countable activities that are ultimately required, and any new reporting requirements should not unduly burden local organizations attempting to serve TANF recipients.

We appreciate your consideration of this request.

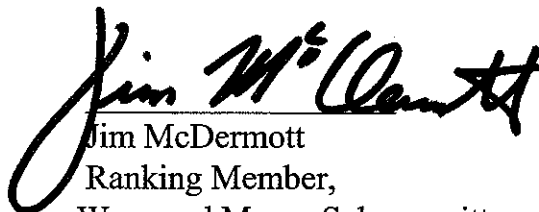
Sincerely,



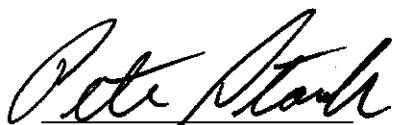
Charles B. Rangel
Ranking Member,
Committee on Ways and Means



George Miller
Ranking Member,
Committee on Education
and the Workforce



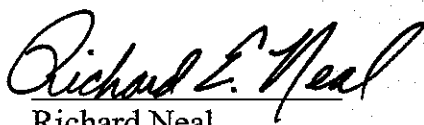
Jim McDermott
Ranking Member,
Ways and Means Subcommittee on Human Resources



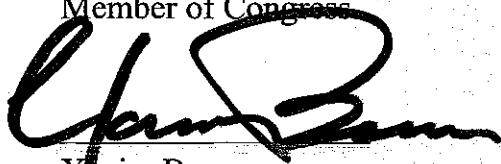
Pete Stark
Member of Congress



Benjamin Cardin
Member of Congress



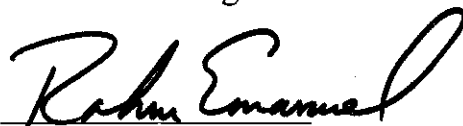
Richard Neal
Member of Congress



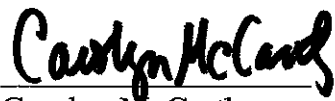
Xavier Becerra
Member of Congress



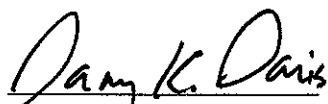
Stephanie Tubbs Jones
Member of Congress



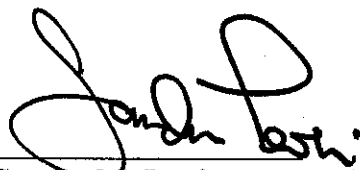
Rahm Emanuel
Member of Congress



Carolyn McCarthy
Member of Congress



Danny Davis
Member of Congress



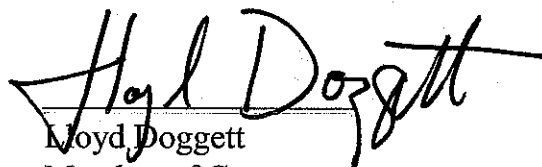
Sander M. Levin
Member of Congress



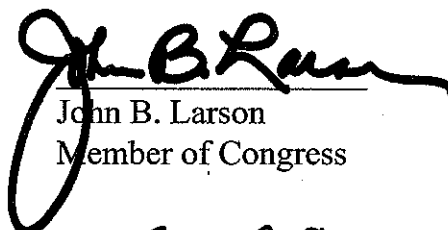
John Lewis
Member of Congress



Michael R. McNulty
Member of Congress



Lloyd Doggett
Member of Congress



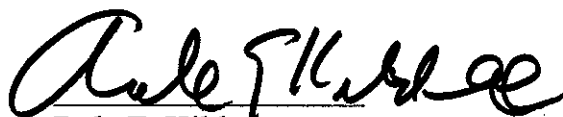
John B. Larson
Member of Congress



Major Owens
Member of Congress



Betty McCollum
Member of Congress



Dale E. Kildee
Member of Congress

The Honorable Michael O. Leavitt

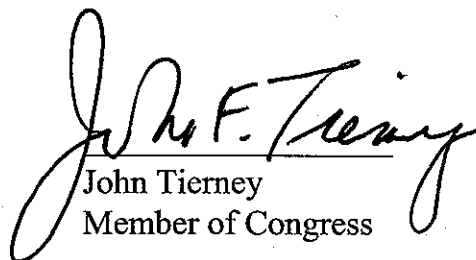
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A handwritten signature in cursive script, reading "Lynn Woolsey".

Lynn Woolsey

Member of Congress

A handwritten signature in cursive script, reading "John F. Tierney".

John Tierney

Member of Congress